

MARCH 7, 2006

The continuances scheduled for Case 06-13 – Cutting, 381 Maynard Road, Case 06-11 – Cautela Et Al, and Cases 06-15 & 06-16 have been further rescheduled to March 13, 2006

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MARCH 7, 2006

The Board consisted of:

Stephen M. Richmond, Chairman
Jeffrey P. Klofft, Clerk
Jonathan G. Gossels
Elizabeth A. Taylor
Constantine Athanas

Notice of the hearing was published in the Metro West Daily News on February 20 & 27, 2006, posted, mailed and read at this hearing.

Mr. Richmond, 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.

Charles Giacchetto, By Design Construction, applicant, and Gaetana Carney, owner, were present to represent a petition to allow demolition of an existing residence and construction of a new residence on a nonconforming lot at 280 Mossman Road. Mr. Giacchetto explained that Ms. Carney, who works with him, is the current owner and has lived on the property for over 35 years.

The lot is nonconforming in terms of frontage which is 104 feet. The existing house required a variance to be built within the setbacks. It is a 2-bedroom house with 1,164 s.f. and is located approximately 64 feet from the street.

The proposed house is a 4-bedroom 3,890 s.f. 2-story colonial. Mr. Giacchetto displayed the plans which depict the style and elevations as well as the plot plan. The new house will be set back 136 feet from the road and will conform to all setback requirements. It was felt that this location will result in a better presentation of the house. In addition, it will not be lined up side-by-side with the abutter to the left.

Mr. Giacchetto said the house was designed to minimize its size as seen from the street and is deeper than is wide. Lot width also was a factor. He said the style is consistent with many of the houses on Mossman Road.

The septic system will be located in front of the house and is designed within the footprint of the old house and the existing septic system. Perc tests have been conducted and submitted to the Board of Health. It was located in front because the back part of the lot is wooded and the desire was to retain the trees. The front of the lot will be landscaped.

Ms. Klofft asked about the screening on the right side looking out from the house and the back yard of the house that is shown as an X on the plan.

Mr. Giacchetto said there are some trees over in that area. He said he sent those abutters a letter asking if they had any problems but haven't met with them directly. However, he said if there is a need for some trees, he had no problem with providing additional plantings. He added that on the other side is a row of trees which will provide an effective screening.

Kathleen Colpitts, 284 Mossman Road, abutter, said she noticed that several trees on her property were marked and voiced concern as to where Mr. Giacchetto felt the lot line was. She said she would like to have that area surveyed.

Mr. Giacchetto said those trees were marked were for elevations only; however, he was agreeable to a survey.

Ms. Colpitts said there was also some digging done on her property. Ms. Carney said this was done by someone else who was looking at her property. She didn't think they were even aware that they were on the Colpitts' property.

Mr. Giacchetto said he would rectify any existing problems that weren't fixed by that contractor.

Ms. Colpitts said there is a sump pump on the Carney property that drains onto her property. Mr. Giacchetto said he is not allowed to discharge drainage onto another property and that all the drainage for the new house will be taken care of on-site.

In response to a question from Mr. Klofft, Ms. Carney said she has water issues in her basement. Mr. Klofft asked how this will be mitigated with the new house.

Mr. Giacchetto said the new house will be further back and will be raised up a bit because of the elevation of the land which is approximately 4 feet higher and which he felt confident would solve any drainage issues. He said he had no problem with a condition to prohibit any drainage off the property.

There was discussion on the survey. Mr. Richmond asked whether the neighbors would be informed when this would be done. Mr. Giacchetto said he would inform them. Mr. Gossels requested the bounds be clearly marked.

Linda Provost, 266 Mossman Road, abutter, also voiced concern with regard to the markers on her property. Mr. Giacchetto said those were also marked for elevations. Mr. Richmond reiterated that the neighbors be informed when the survey was done.

There were no further comments from the audience or questions from the Board. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant By Design Construction, Inc., applicant, Gaetana Carney, 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 3,890 s.f., conforming to all zoning setback requirements, and as shown on the sketch plan prepared by Inland Survey, Inc., dated January 2, 2006, which is incorporated into this permit, property located at 280 Mossman Road, Residential Zone A-1, subject to the following:

1. The property shall be staked and bounds shall be installed on both sides of the front of the property. Neighbors will be notified of same once it is completed.
2. The applicant will plant a minimum of ten trees or shrubs on the north side boundary of the site to create a screened buffer area from the adjacent property.
3. No offsite drainage of water from this site is allowed.
4. 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.
5. 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 reconstruction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The new structure will conform to current zoning setback requirements and will be set further back on the lot to minimize its appearance and to contain all drainage on site. Further, the petitioner has agreed to additional plantings along the north side to buffer that area. The resulting structure will be consistent in design with several homes in the area.

Stephen M. Richmond, Chairman

Jeffrey P. Klofft, Clerk

Jonathan G. Gossels

Elizabeth A. Taylor

Constantine Athanas

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MARCH 7, 2006

The Board consisted of:

Stephen M. Richmond, Chairman
Jeffrey P. Klofft, Clerk
Jonathan G. Gossels
Elizabeth A. Taylor
Constantine Athanas

Notice was published in the Metro West Daily News on February 20 and 27, 2006, posted, mailed and read at this hearing.

Mr. Richmond, 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.

Norman Freeman and Lisa Ehrmann, applicants and owners of the property, were present to represent a petition for Special Permit for a Home Business, specifically a hairdressing studio at 10 Dudley Road. Ms. Erhmann explained that they would like to take their 2-car garage and convert it into a studio for the hairdressing business.

Mr. Norman said some of the services would last 3-4 hours and some 45 minutes. He would say that typically, during the course of the day there might be 10 customers. However, there could also be 3-4. He would estimate the maximum to be 10 customers per day.

Mr. Richmond said this is a fairly high use for a home business from those the Board normally sees.

Mr. Norman said a typical client is 2 hours and they are spread out over the course of the day.

Mr. Gossels said it is very unusual to see this type of business in a home as opposed to a commercial space.

Mr. Norman said he was 58 years old and thinking toward his retirement years. He would like to separate from his business in Newton and work full-time from his home for a few years and eventually part time in his retirement years. He said right now he doesn't have a large clientele in this area and does not plan to build a large business. Services would be by appointment only.

Mr. Norman said what he is not trying to do is have the business be obvious which is why he wanted a sign only for identification for customers. He doesn't want it to look or feel like a business.

Mr. Gossels asked whether there was a sketch of the proposed business. Ms. Ehrmann said they planned to hire an architect but preferred to wait until the outcome of their application.

Mr. Gossels asked about the handling of chemicals. Ms. Ehrmann said the sink in the studio would drain into a tank that is completely separate from the home septic system.

Mr. Richmond asked whether any employees were anticipated. Mr. Norman said occasionally there would be an assistant.

Mr. Richmond said typically for a business starting out, a one-year permit is granted. After that it can be renewed for a longer period of time if there are no issues.

Mr. Norman and Ms. Ehrmann said they sent a letter to their neighbors with regard to their intentions. Only one neighbor had some questions about the business.

With regard to the design, the only change would be to the garage doors which would be changed to windows and a doorway, all of which would match the rest of the house. No addition to the house is contemplated.

Some members expressed concern that there were no design plans. They wanted to be sure the design fit into the residential character of the neighborhood and visually looked like a house.

Mr. Norman and Ms. Ehrmann were agreeable to providing a sketch.

Discussion followed on the number of car trips per day. The general feeling was that a slightly smaller number would be preferable.

It was voted to continue the hearing to March 13, 2006 in order that a sketch of the design be provided.

Stephen M. Richmond, Chairman

Jeffrey P. Klofft, Clerk

Jonathan G. Gossels

Elizabeth A. Taylor

Constantine Athanas

