

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
AUGUST 18, 2008

The Board consisted of:

Jeffrey P. Klofft, Chairman
Nancy G. Rubenstein, Acting Clerk
Jonathan G. Gossels
Stephen A. Garanin
Benjamin D. Stevenson, Associate

Notice was published in the Sudbury Town Crier on July 31 and August 7, 2008, posted, mailed and read at this hearing.

Mr. Klofft, 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 Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Stephen Poole, Zanca Land Surveyors, and Jay Berglund, Berglund Enterprises, were present to represent a petition for a Special Permit to demolish an existing structure and construct a larger structure at 37 Beechwood Avenue, which is a corner lot. The lot is nonconforming in area and frontage.

A request was previously made under Case 08-20 and was subsequently withdrawn without prejudice as it was the consensus of the Board that the proposed split-style gambrel would be detrimental to the neighborhood in terms of design and height, and that the proposed location would adversely affect the abutter to the rear.

Mr. Poole explained that an address change from Great Lake Drive to Beechwood Avenue has been approved by the DPW. The footprint of the proposed is essentially equal to the footprint of the house which is being demolished. The existing sidewalks and paved areas along Great Lake Drive will be removed and trees and grass will be planted in that area. In addition, the intent is to preserve existing trees and plant new trees to provide screening along the side and rear yards.

The proposed house will be a 1,872 s.f. 2-story colonial with no garage and will require waivers of both front yard setbacks as well as the rear yard setback requirements. Mr. Poole felt the location to be an improvement over the previous application, particularly with regard to the rear yard setback which is now 19.5 feet as vs. 10 feet as originally proposed. The existing septic system will be utilized and the plan shows a proposed future replacement area which conforms to Title 5. Water and gas service will come off of Beechwood Avenue.

The Board reviewed the design plans which were submitted with the application commenting that this application is a vast improvement over the previous plan.

No abutters were present to oppose this petition. It was noted that at the previous hearing the abutter to the rear objected to the original proposed rear yard setback and the adverse impact it would have.

The public hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Berglund Enterprises, applicant, Charles Melanson, owner of property, a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to allow demolition of an existing structure and construction of a new residence not to exceed 1,872 s.f., which will exceed the area of the original nonconforming structure and will result in a front yard setback deficiency of 20'± from Great Lake Drive, a front yard setback deficiency of 12'3"± from Beechwood Avenue, and a rear yard setback deficiency of 10'7"±, property located at 37 Beechwood Avenue, Residential Zone A-1, as follows:

1. The new house will be constructed in the location as shown on the Plan titled "Proposed Plot Plan 37 Beechwood Avenue, revised June 19, 2008, prepared by Inland Survey, Inc., d/b/a Zanca Land Surveying, Stow, MA, and shall be consistent with the design plans submitted with the application.
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."

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 Board notes that this revised application addresses the previous concerns of the Board with regard to style, height and location, and the new structure will be compatible with other homes in the neighborhood. Further, no abutters were present at this hearing to oppose this petition.

Jeffrey P. Klofft, Chairman

Nancy G. Rubenstein, Acting Clerk

Jonathan G. Gossels

Stephen A. Garanin

Benjamin D. Stevenson, Associate

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