

MICHAEL J. GRIFFIN  
684 Boston Post Road  
Case 08-1

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
FEBRUARY 4, 2008

The Board consisted of:

Jeffrey P. Klofft, Chairman  
Elizabeth A. Taylor, Clerk  
Jonathan G. Gossels  
Nancy G. Rubenstein  
Stephen A. Garanin

Notice was published in the Sudbury Town Crier on January 17 & 24, 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.

Michael Griffin was present to request he be allowed to continue operating an automobile repair shop, including limited used-car sales at 684 Boston Post Road. He explained that he bought out his former partner and is now the sole operator of the business. It is his intent to begin making roof repairs as well as the necessary other repairs which he was unable to do in the past.

Mr. Gossels said last winter there was a noise issue with regard to the cabinet maker's operation in the back of the building. Mr. Griffin said he had not heard from Bruce Kankanpaa, the abutter affected by the noise.

Mr. Garanin thought it unusual for this business to operate on Sundays. Mr. Griffin said noise has not been a problem since the doors are kept closed.

Bruce Kankanpaa, 11 Stone Road, abutter, had no objection to a renewal. However, he said the cabinet maker has parked on the unpaved surface and has left the doors open on Sundays. Otherwise, he said the property look better than it has in the past. He would like Mr. Griffin to speak to the cabinet maker with regard to parking and the open doors, noting he was not concerned with the doors during the weekdays, but on the weekends when the noise can be disturbing to him and his family. He reiterated that he had no problem with Mr. Griffin's operation – only the cabinet maker's.

Mr. Griffin voiced concern with the doors having to be closed as the building is not well ventilated. Mr. Klofft said the condition requires the doors to be closed only when power tools are being used. Ms. Taylor suggested that Condition #16 could be further clarified to include Saturdays in the prohibition of power tools.

Mr. Klofft agreed with this suggestion noting that although this operation is in a business district, one of the requirements for granting a special permit is to insure that the operation will not be offensive to adjoining zoning districts – that the neighbors should have a reasonable expectation to be able to enjoy their property.

Mr. Gossels felt there has been favorable progress to date. He recommended an initial one-year period under Mr. Griffin's ownership. Mr. Griffin asked that the date be extended to the spring to avoid having to renew during the snowplowing season.

There were no further comments. The hearing was closed. The following motion was placed and seconded:

MOTION: "To grant Michael J. Griffin, applicant, a Special Permit under the provisions of Section 2230, Appendix A, C, Use 12 & 14 of the Zoning Bylaws, to operate an automobile repair shop, including limited used-car sales, property located at 684 Boston Post Road, Business District #6, provided that:

1. This Special Permit is to be for automotive mechanical repairs and incidental body repairs only. Automotive painting is specifically prohibited.
2. The use is restricted to the business-zoned portion of the site.
3. Hours of operation shall be Monday through Friday 7:30AM-9PM, Saturday 9AM-7PM, and Sunday 12-6PM.
4. All work is to be performed within the confines of the building except for incidental washing of vehicles with biodegradable soap.
5. There will be no outside storage of new or used parts, tires, assemblies, junk, trash or inoperable vehicles. Automobiles parked on the pavement to the west shall be limited to owner's cars, cars, waiting to be serviced, and no more than two (2) cars for resale.
6. All exterior lights are to be wall mounted or mounted on exterior posts and are to be oriented to cast light downward only so as not to illuminate the residential areas abutting and across the street.
7. All residential areas not designated for planting areas are to be clear of debris and maintained.

8. The unpaved area to the west of the building is not to be used for employee and customer parking until such time that it is paved and sloped in such a way that storm water runoff is collected in a catch basin equipped with a gas and oil trap.
9. Disposal of all hazardous waste and materials is to be in conformance with all local, state and federal regulations.
10. Floor drains shall conform to all local, state and federal regulations.
11. Sanitary facilities shall conform to all local, state and federal regulations.
12. A dumpster is to be provided for trash and will be screened from view.
13. The applicant shall adhere to the requirements of Section 2230, Prohibited Uses of the Zoning Bylaw.
14. Parking of vehicles shall be in accordance with the "Temporary Parking Layout" plan, stamped by the Town Clerk on July 18, 2006, including the written "Parking Proposal", which are marked as Exhibits 1 & 2 respectively.
15. No. more than thirty-three (33) total vehicles shall be parked on the paved parking areas. There will be no parking on the unpaved business areas.
16. Any work being done by the cabinet maker occupying the rear portion of the building which involves the use of power tools will require those doors to be closed during business days before 7AM and after 7PM and all Saturdays, Sundays and holidays.
17. The fence along the rear zone will be properly maintained and kept in good condition at all times.
18. The only trailers which will be permitted are non-motorized trailers which may be parked in the unpaved business zoned area.
19. This permit is non transferable and will expire on May 4, 2009, 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 as sole owner for a special permit which has been used for automotive purposes for 60+ years. Although in a business district, it is abutted by residential properties to the rear and across the street. Over the years, the Board has imposed conditions in an attempt to find a harmonious balance between the business and residents in the area. The Board is encouraged by the fact that this business will now be under a sole ownership and it is the hope that this will allow for improved relations with the neighbors and the ability of

the owner to move forward with physical improvements to the property. The Board has imposed a 15-month term in order to monitor the situation.

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Jeffrey P. Klofft, Chairman

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Elizabeth A. Taylor, Clerk

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Jonathan G. Gossels

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Nancy G. Rubenstein

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Stephen A. Garanin

CHRISTINE & SOLOMON COHEN  
50 Longfellow Road  
Case 08-3

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
FEBRUARY 4, 2008

The Board consisted of:

Jeffrey P. Klofft, Chairman  
Elizabeth A. Taylor, Clerk  
Jonathan G. Gossels  
Nancy G. Rubenstein  
Stephen A. Garanin

Notice was published in the Sudbury Town Crier on January 17 & 24, 2008, posted, mailed and read at this hearing.

Mr. Klofft, Chairman, 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 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.

Elise Stone, architect, was present representing Christine and Solomon Cohen, owners, also present in a petition for a variance to construct an addition which will result in a front yard setback deficiency of approximately 6 feet at 50 Longfellow Road.

Ms. Stone explained that the house is a 1950s ranch which has 2 small bedrooms and one larger master bedroom. There is no basement. There is no garage. The owners would like a one-

car garage and they want to enlarge the two children's bedrooms and also provide for an entry. Photographs of the existing house were submitted with the application.

Referring to the site plan, Ms. Stone pointed out the area of the proposed construction which would encroach into the side yard setback. She pointed out that the back of the property contains a pond which makes it difficult to construct anything off the back of the house.

Most of the property is to the right; however, the interior configuration would have to be completely redesigned to accommodate an addition to that side and it would be cost prohibitive. Ms. Stone pointed out the existing configuration, which includes a kitchen addition which was put on and includes a utility area since there is no basement. In addition, locating a garage on the right hand side would also require an interior reconfiguration of the interior space to allow for a logical flow.

Ms. Stone explained that the proposed addition is modest in size and was the most economic way to get three proper bedrooms, a mudroom, garage and entry. She said the scale of the house will not be changed and the addition will break up a very long straight, flat house and add a little bit of dimension.

Mr. Gossels said the addition is modest in scale and he did not feel it would be a detriment to the neighborhood.

Craig Pearson, 38 Longfellow Road, abutter, voiced his support for the proposed addition. No other abutters were present.

There were no further comments. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Christine & Solomon Cohen, owners of property, a Variance from the provisions of Section 2600, appendix B of the Zoning Bylaws, to allow construction of a 13'8"X6' (82.8 s.f.) addition, which will result in a front yard setback deficiency of 6 feet  $\pm$ , property located at 50 Longfellow Road, Residential Zone A-1."

In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a variance to construct an addition which will result in a front yard setback deficiency. With regard to the criteria for the granting of Variances, the Board finds the following:

1. The Board finds there to be special conditions relating to the shape of the land in that there is a steep slope in close proximity to the house which leads to a pond and precludes the location of an addition to the rear of the house.
2. The Board finds that there would be substantial financial hardship to the petitioners if the provisions of the Bylaw were to be literally enforced. The proposed construction will add needed functionality to the home and the proposed location is the most practical one for that which currently exists. To require an alternative plan would require a reconfiguration of the interior space which would be cost prohibitive and result in a financial hardship to the petitioners.
3. There will be no substantial detriment to the public good if the Variance is granted. The Board finds that the proposed construction is modest in size and in keeping with the character of the house and residential zone. Further, it will enhance the appearance of the existing house and surrounding neighborhood.
4. 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.

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Jeffrey P. Klofft, Chairman

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Elizabeth A. Taylor, Clerk

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Jonathan G. Gossels

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Nancy G. Rubenstein

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Stephen A. Garanin