

The Board consisted of:

Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Jeffrey P. Klofft. Earth Removal Board Members in attendance were: Benjamin D. Stevenson; Richard D. Vetstein; and Jonas McCray.

The meeting was convened by Mr. Klofft at 7:05 p.m.

ANNUAL MEETING OF THE ZONING BOARD OF APPEALS AND THE EARTH REMOVAL BOARD

A motion was made, seconded and voted to elect Elizabeth T. Quirk to serve as Chair of the Board of Appeals until the next Annual Meeting in January 2010.

A motion was made, seconded and voted to elect Nancy G. Rubenstein to serve as Clerk of the Board of Appeals until the next Annual Meeting in January 2010.

Mr. Gossels then expressed his appreciation to Mr. Klofft for his work as Chairman of the Board of Appeals during his term and Mr. Stevenson seconded the sentiment.

The Board was in receipt of the June 2008 Rules and Regulations and Supplemental Rules for Comprehensive Permits. Following discussion, members expressed a desire to make changes to the Rules and Regulations with regard to the number of copies of engineering drawings applicants are required to submit with applications (#8). A public hearing will be scheduled at the next meeting of the ZBA to adopt the Rules and Regulations as amended and also to adopt the Supplemental Rules for Comprehensive Permits with no changes.

A motion was made, seconded and voted to elect Jonas McCray to serve as Chairman of the Earth Removal Board until the next Annual Meeting in January 2010.

A motion was made, seconded and voted to elect Benjamin Stevenson to serve as Clerk of the Earth Removal Board until the next Annual Meeting in January 2010.

The Earth Removal Board was in receipt of the 2005 Rules and Regulations. Following discussion, members expressed a desire to make changes to the Rules with regard to the number of copies of engineering drawings applicants are required to submit with applications (#7). A public hearing will be scheduled at the next meeting of the ZBA and ERB to adopt the Rules and Regulations as amended.

Other Business:

Villages at Old County Road Performance Bond

Jody Kablack, Planning Director, presented a performance bond estimate from Bill Place for the Villages at Old County Road Comprehensive Permit, and asked the ZBA to vote to set the bond amount.

Mr. Klofft made a motion to set the bond amount for the Villages at Old County Road at \$173,839.91 and Mr. Gossels seconded the motion. A vote was taken to approve the performance bond and unanimously accepted. The bond was then signed by the ZBA.

Proposed Zoning Bylaw Amendment – Accessory Dwelling Units

Ms. Kablack then presented revisions to the proposed accessory apartment bylaw as developed by the Planning Board. Ms. Kablack noted that revisions were made after discussions with a number of town boards, and to take into consideration concerns raised by the ZBA at a previous meeting. For example, unit size was made smaller, there would be restrictions imposed on creating an accessory apartment in a detached structure, and the duration of the permit has been changed. Ms. Kablack explained that housing data from the town of Lincoln was used to develop the bylaw and that the proposal could lead to improved housing opportunities and additional economic benefits for the town of Sudbury.

Mr. Klofft asked about the ZBA’s ability to approve or deny accessory apartment permits. Ms. Kablack and Planning Board Chairman Michael Fee, also in attendance to speak on behalf of the proposal, explained that applications for accessory apartments have to meet the five criteria required for a special permit under state law. Mr. Fee further explained that if the ZBA finds that it does not approve of the application, then the ZBA has the right to vote against it. Mr. Vetstein said that he would like to see the five special permit criteria listed in the text of the bylaw to ensure clarity.

Discussion ensued about accessory apartments’ impact on neighborhoods and cases of irresponsible owners, but also about how accessory apartments can help support Sudbury families and the elderly that need housing options. Mr. Fee explained that the proposed revisions, including the requirement that owners live on-site, would help diminish potential negatives.

Ms. Kablack said that given that accessory apartments fall under the jurisdiction of the ZBA, it is the Planning Board’s desire that the ZBA be supportive of the proposed bylaw with its revisions. The Planning Board will be holding a public hearing to vote on the bylaw on February 11, 2009.

ZBA Public Hearing Guidelines

It was noted that the text of the public hearing preamble was missing a guideline relating to traffic congestion that had previously appeared. The preamble will be updated and circulated among the board prior to the next meeting.

There being no further business the Annual Meeting was adjourned at 7:30 p.m.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

Nancy G. Rubenstein, Clerk

Jonas McCray, ERB

Stephen A. Garanin

Benjamin D. Stevenson, ERB

Jonathan G. Gossels

Richard D. Vetstein, ERB