

The Board consisted of: Elizabeth T. Quirk, Chair; Stephen A. Garanin, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

MEETING OF THE ZONING BOARD OF APPEALS

The meeting convened at 7:00 p.m.

Request for Waiver of 760 CMR 56.03(7) for Eligius Homes, 293/301 Old Lancaster Road (Pine Groves):

Members of the ZBA were in receipt of a letter dated July 15, 2010 from Attorney Paul Alphen, Counsel for Eligius Homes, requesting a vote of the ZBA to waive a provision of 760 CMR 56.03 (7) as it relates to applications for land located at 293/301 Old Lancaster Road that is proposed for a Comprehensive Permit. A waiver would enable Eligius Homes to proceed with an application for a Comprehensive Permit earlier than a duration of twelve months if an alternative proposed subdivision plan is denied by the Town of Sudbury's Planning Board.

Attorney Alphen was present to discuss the request. He provided a brief history of the proposed project by Eligius Homes explaining that in 2007 Eligius Homes submitted a six-lot subdivision plan to the Planning Board that was ultimately withdrawn. Eligius Homes was, however, obligated to purchase the land in 2008 and did so. Subsequently, in April 2010 Eligius Homes submitted an application for a twelve-unit 40B Comprehensive Permit to MassHousing, and is currently awaiting MassHousing's approval. During this waiting period Eligius Homes met with the Planning Board to discuss a reduced five-lot subdivision. Some of the land would be designated as conservation land with a tree buffer zone along Old Lancaster Road. This land would be given to the Town as open space. Mr. Alphen noted that there were several neighbors present who preferred this plan over the proposed Comprehensive Permit plan and the Planning Board voiced support for the subdivision plan as well although it would still need to go through the appropriate hearing process.

The Board was also in receipt of a letter dated August 3, 2010, from Paul Kenny recommending that a waiver be granted only if the subdivision is denied by the Planning Board.

Mr. Gossels pointed out that Peter Karassik, Company Principal for Eligius Homes, has been working cooperatively with the town and neighbors. He noted that the neighbors appear to want a five lot subdivision. He therefore felt comfortable taking a sense of the meeting to see whether the ZBA would grant the waiver of time.

Ms. Quirk noted that per Town Counsel's letter, if the alternative subdivision plan is approved by the Planning Board and Eligius Homes still decides to proceed with the Comprehensive Permit, then the twelve-month waiting period would be applicable.

Discussion followed. Mr. Klofft raised a point that there may be extenuating circumstances such as an appeal by a third party which would also come into play. Ultimately the Board felt that their vote to approve the waiver would be a non-binding "sense of the Board" and would include the circumstances that the Board outlined, "if the five-lot subdivision were denied by the Planning Board or if Planning Board approval was appealed by a third party." Therefore, under those circumstances, the waiver of 760 CMR 56.03 (7) was unanimously approved.

Review of Application and Discussion of ZBA Guidelines for Accessory Dwellings:

The Board discussed revising the ZBA's Application for Accessory Dwellings. A few minor editorial changes were proposed. There was a greater discussion about the section of the application that deals with calculating the square footage of apartments and their relationship to the main house. The Board felt that it was important to maintain consistency with how all measurements are interpreted and wanted the language on the application form to be as user-friendly for applicants as possible.

The Board also discussed a draft of proposed Guidelines for Accessory Dwellings that would include factors that the Board considers important as applications are reviewed.

It was agreed that Board members would review both the application and the guidelines and submit comments to the ZBA secretary so that the application and guidelines can be updated at a future meeting.

There being no other business the meeting was adjourned.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

Stephen A. Garanin, Acting Clerk

Benjamin D. Stevenson, Associate

Jonathan G. Gossels