

CASE 11-3
Robert and Patricia Crowley
64 Puritan Lane

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, February 7, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien, Associate.

Notice was published in the *Sudbury Town Crier* on January 20 and January 27, 2011, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

Robert Crowley was present to request a renewal of Special Permit 06-9 in order to maintain a 51-foot amateur tower antennae on property located at 64 Puritan Lane. Mr. Crowley began his presentation by submitting a written history of his special permit renewals and a summary of the applicable local and state regulations under which his antennae has been allowed. Mr. Crowley then asked that the Board consider allowing the tower to remain in perpetuity so that he would not have to go through the process of renewal.

Mr. Crowley reminded the Board that in 2006 Mr. Klofft was not in favor of granting the special permit in perpetuity because of his concerns about public safety with regard to tower maintenance. Mr. Crowley argued that since structural safety is regulated by the building code and Building Department and because the tower's design had been accepted by the Building Department this should not be a concern. He said that prior to the 2006 ZBA hearing he discussed the issue of perpetuity with Town Counsel and the Building Inspector at the time, Jack Hepting, who suggested that Mr. Crowley could ask the Zoning Board for the permit to be made final given that the tower was in compliance with Massachusetts General Laws 40A, Section 3.

Mr. Klofft said that he was sympathetic to Mr. Crowley's argument, however he said that the renewal process allows an opportunity for monitoring the tower's condition. Since towers do have some life span he suggested the compromise of a longer renewal term.

Ms. Quirk asked Building Inspector Jim Kelly for his opinion on the matter. He said that he liked Mr. Klofft's point about monitoring and reminded the Board that another special permit for a radio tower was recently granted with a ten-year term. However, he did say Mr. Crowley's tower was designed with a well-made plan and had the approval of Building Inspector Hepting.

When asked the height of the tower Mr. Crowley said that it is kept mostly at a height of 21 feet but can extend up to 51 feet.

Mr. Gossels said that he has voted in favor of permit renewals in the past but added that the structure is getting older and when fully extended safety is a concern for him.

Mr. Stevenson was in favor of an extended renewal time because the application process for renewing should not cause the applicant an undue time burden.

Mr. Crowley then argued that a special permit granted in perpetuity would not actually be perpetual because it would be granted in his name and he would not live forever. He said that the language in the special permit does provide for dismantling in the future. He said that his request that the permit be made final is not just about the time burden, cost, or the doubt about criteria being met, it is about the fact that he has been in full compliance to date and went overboard with the engineering of the tower to ensure this.

Ms. Quirk said that she was also not comfortable with making the permit final for all of the reasons addressed by other Board members. The Board then discussed extending the duration of the special permit from five years to ten.

No abutters were present to speak for or against the proposed renewal.

There being no further questions or comments from the Board or audience, the hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Robert J. & Patricia L. Crowley, owners of property, renewal of Special Permit 06-9, granted under the provisions of Section 2632 of the Zoning Bylaws, to maintain a 51-foot amateur antenna structure, property located at 64 Puritan Lane, Residential Zone C-1, provided that:

1. The structure shall continue to be located between the house and garage, as shown as the alternate location on sketch dated November 28, 1994, submitted with the original petition, Case 95-5.
2. Panels, no less than eight (8) feet in height, shall be maintained around the perimeter of the tower to prevent climbing of the structure.
3. No illumination at the top of the structure is allowed.
4. The applicant will provide evidence to the Board that he is a federally licensed amateur radio operator.
5. This permit is non-transferable and will expire in ten (10) years on February 7, 2021 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 Board finds the operation of a home-based radio hobby to be in harmony with the general purpose and intent of the Bylaw. The antenna is in an appropriate location, is not detrimental to the neighborhood and is shielded by trees which continue to act as a buffer. The structure is not illuminated, nor is it offensive or detrimental to the adjoining zoning districts as no smoke, noise or other visual nuisances are produced. Adequate safety precautions continue to be in place to prevent access by children. The Board notes that there have been no problems associated with the structure and that no abutters were present to oppose renewal. Town Bylaws and Mass. General Laws allow regulation of these structures for purposes of health, safety and aesthetics; therefore, the Board finds a ten year renewal period appropriate in this case for monitoring purposes.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

Benjamin D. Stevenson, Clerk

Jonathan F.X. O'Brien, Associate

Jonathan G. Gossels

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
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Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

George Sherman, an owner of Station Road Auto Body & Garage, was present to request a renewal of a Special Permit for the sale and repair of new and used motor vehicles at 40 Station Road. When asked by Ms. Quirk whether or not there had been any complaints registered about the business he said that there were none. No abutters were present to make any comments.

Ms. Quirk asked whether Mr. Sherman was able to comply with the current set of conditions within the permit and Mr. Sherman said the conditions were fine and no changes needed to be made.

The Board then discussed extending the renewal term of the permit from three years to five years. All agreed.

There being no further questions or comments from the Board or audience, the hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Station Road Auto Body and Garage, Inc., applicant, George J. Sherman and Stephen D. Jones, owners of property, renewal of Special Permit 06-1, granted under the provisions of Section 2230, Appendix C,12,13,14 of the Zoning Bylaws, for the sale and repair of new and used motor vehicles, property located at 40 Station Road, Industrial District #2, provided that:

1. This operation shall not constitute a visual nuisance.
2. There shall be no storage of materials or vehicles, and no overnight parking in front of the building.
3. No work shall be performed outside of the building after 10 p.m.
4. The property shall be maintained in such a way that no waste material of any type shall be disposed of in such a way as to contaminate Hop Brook or the marsh surrounding it at the rear of the premises.
5. This permit is non-transferable and will expire in five years on February 7, 2016, and the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: This is an application for renewal of a special permit to continue the use of the property as an auto body shop which has been in existence for many years. The petitioner has complied with the conditions of the permit and there have been no complaints associated with this use. The Board finds that the use is not offensive to the adjoining properties due to the effects of light, odors, smoke, noise and refuse materials and that this use is in harmony with the intent and purpose of the Zoning Bylaws.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

Benjamin D. Stevenson, Clerk

Jonathan F.X. O'Brien, Associate

Jonathan G. Gossels

CASE 11-5
Richard Morrell
41 Lincoln Lane

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, February 7, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien, Associate.

Notice was published in the *Sudbury Town Crier* on January 20 and January 27, 2011, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

Richard Morrell, applicant and property owner, was present to request a Special Permit for reconstruction of an existing residence on a nonconforming lot not to exceed 3,416 square feet, which will exceed the area of the original structure at 41 Lincoln Lane. Mr. Morrell explained that the house was being built within the original footprint of the existing house with the exception of an attached two-car garage proposed for the left side elevation and a deck at the rear.

Ms. Quirk asked for a breakdown of the square footage. Mr. Morrell explained that the existing footprint measures 2,100 square feet, the garage would measure 24x24 feet and additional living space would be included above the garage, all adding up to 3,416 square feet.

Mr. Gossels observed that one end of Lincoln Lane had modest houses and the other end had larger houses. He said that Mr. Morrell's proposed house would fall at the transition point of the street. He said that his only issue with the proposed plan was the house's proximity to the street. Mr. Morrell explained that because of a conservation restriction beginning from the rear deck and extending to the river behind the house the house cannot be moved back. He said that the house was being built in the only location that it could possibly be built.

Mr. Gossels asked the height of the existing house. Mr. Morrell did not know but estimated that the new house could be between twenty-eight to thirty feet high because the pitch of the roof was being altered.

Ms. Quirk then read into the record an e-mail received by neighbors Linda and Myrtice McInnis, 35 Lincoln Lane. Among their concerns were the size of the house, any effect that construction might have on the water table, and the additional construction equipment taking up space on the road and noise that will be present during construction.

Ms. Quirk asked whether any other neighbors were present who had concerns or who wished to speak in support of the project.

Gene Berkowitz, 52 Lincoln Lane, mentioned that a 1928 deed for his property gives him the right of way from his house to the river crossing Mr. Morrell's property. He mentioned that a past owner of 41 Lincoln Lane had acknowledged this right by keeping a path mowed. Mr. Morrell said that a title examiner had not found this information during the title search and there was nothing in Mr. Morrell's deed that

mentions this. Mr. Berkowitz said that the conservation restriction would impact this right of way. Mr. Morrell and Mr. Berkowitz agreed to look into this further, because it was not a zoning matter. About the project itself Mr. Berkowitz said that he did not have any real issues with it. In his opinion the house was being rebuilt primarily within the existing footprint but the garage would be closer to the McInnis' property where there was not any buffer for them.

In response Mr. Morrell explained that there is already a driveway where the garage would be built. He acknowledged that twenty-eight trees would need to be removed from the property for the construction project but that he is required to keep a row of trees as a buffer between his and the McInnis' property. He added that the trees coming down are either hanging over the current house or are in the area where the septic system is going to go.

Mr. Berkowitz said that the house sits on one of the few elevations on the river side and would be highly visible from the river view. As an example of how the house would be visible he referred to 12 Lincoln Lane.

The Board then discussed the height of the house. Mr. Morrell said that the trees along the river were all full-grown oak trees that cannot be moved. He felt that those trees would provide adequate screening.

Mr. Morrell said in response to the McInnis' concerns that he did not feel that the proposed house was too large for the lot. The lot is one acre in size. The existing house has three bedrooms and he is adding a fourth. The Board agreed that it was not oversized. Mr. Morrell said that he is not adding a new well to the property as there is an existing well. He said that a new septic system would be installed, however. In regard to construction equipment he said that there was ample room on the property to store equipment and materials during construction to keep it off the roadway. The Board discussed adding this as a condition of the special permit.

The Board then discussed the maintenance on Lincoln Lane, which is considered a private road.

The Board explored the possibility of moving the garage to the other side of the house but in the end it was agreed that due to the design of the house and the topography of the lot the garage and driveway needed to stay in the proposed location.

In regard to the height of the house Mr. Stevenson asked whether the removal of the planned dormers might make a difference in the height of the roof. Discussion concluded that the dormers help to lower the height.

There being no further questions or comments from the Board or audience, the hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Richard Morrell, applicant and owner, a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to allow reconstruction of an existing residence on a nonconforming lot not to exceed 3,416 square feet, which will exceed the area of the original structure, property located at 41 Lincoln Lane, Residential Zone A-1 subject to the following:

1. The new house will be constructed in the location as shown on the Proposed Site Plan dated January 6, 2011, prepared by Allen Engineering, LLC, which is incorporated into and made part of this Special Permit.
2. All construction vehicles, equipment, and materials must be parked or stored on the property with no encroachment onto Lincoln Lane.
3. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (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.
4. 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. Given the conservation restrictions associated with the property the Board recognized the limitations on reconstruction and positioning of features such as the garage. The Board felt that the new structure would be compatible with the surrounding homes in the neighborhood. Given the narrowness of Lincoln Lane the Board also felt that it was appropriate to place a condition on the location of construction vehicles, equipment, and materials during the project so that the safety of neighbors on Lincoln Lane was not compromised.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

Benjamin D. Stevenson, Clerk

Jonathan F.X. O'Brien, Associate

Jonathan G. Gossels

CASE 11-6
Andrew Mayo
37 Clark Lane

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, February 7, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien Associate.

Notice was published in the *Sudbury Town Crier* on January 20 and January 27, 2011, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

Andrew Mayo, applicant and homeowner, was present to request a Special Permit to add a portico to the front of his house, a nonconforming structure located on a nonconforming lot at 37 Clark Lane. The portico would create a front yard setback deficiency of five feet.

Ms. Quirk said that she felt the plans were reasonable. Mr. Gossels agreed that the plans were modest in scale and noted that a covered entry would improve the house.

No abutters were present to comment on or oppose the plan.

There being no further questions or comments from the Board or audience, the hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Andrew Mayo, applicant and owner of property, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to alter and enlarge a nonconforming structure on a nonconforming lot by constructing a portico which will result in a front yard setback deficiency of five (5) feet, property located at 37 Clark Lane, Residential Zone A-1."

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.

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a special permit due to the nonconforming nature of the property. The Board finds that the proposed alteration appeared reasonable, would improve the house, and will not be more detrimental to the neighborhood than the existing nonconforming structure. The Board noted that no abutters were present at this hearing to oppose this petition.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

Benjamin D. Stevenson, Clerk

Jonathan F.X. O'Brien, Associate

Jonathan G. Gossels

CASES 11-7; 11-8
D. Demetri, Trustee of Old South Realty Trust
407 Boston Post Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, February 7, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien Associate.

Notice was published in the *Sudbury Town Crier* on January 20 and January 27, 2011, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a Variance. She 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.

Attorney Robert Dionisi was present on behalf of the applicant, D. Demetri, Trustee of Old South Street Realty Trust, to request a Use Variance to conduct and operate a commercial bank, operated by TD Bank, with a drive-thru kiosk on land that is zoned for residential use at 407 Boston Post Road.

Mr. Dionisi described the existing property, on which stands a 2-story house, explained the boundaries of the zoning district, listed the surrounding buildings and businesses, including the Town's police station, and gave a brief history of use variances at the site granted since 1979 by the Zoning Board of Appeals. Today the building houses a commercial real estate office. Mr. Dionisi provided this explanation to show that the site is better suited for commercial use rather than residential. He said that the conditions of the soil, shape of lot, and topography are unique because the building is located in a residential district bordered on all sides by either a limited business district, a public way, or a state highway, which sustains about 42,000 traffic trips per day. If the property were deemed residential, it would be a hardship for the property owner to convert it from its current commercial business use back into a residence. And the residence itself would face hardship because it would be affected by the noise from Route 20, by refuse and trash created by the shopping plaza, and by the presence of emergency vehicles and the high volume of commercial traffic. Therefore Mr. Dionisi is proposing to change the use of the building from all of its previous uses by requesting a Use Variance for a retail banking facility.

With respect to detriment to the public good, Mr. Dionisi reminded the Board that state stimulus packages have run out and the education employment fund that was given to the Town has expired and he added that the Town may lose two fourth grade teachers next year as a result of not having that package. He said that the proposed TD Bank project would produce \$36-37,000 in revenue for the Town which might help save one of those teachers. He said that in an age where the voters in town are being asked to vote for overrides, having the bank's tax revenue would be a windfall for the Town. In regard to whether the project was a derogation of the bylaw he said the Use Variance bylaw was tailor-made for this property.

Mr. Gossels noted that the property still borders a residential neighborhood on one side.

Mr. Klofft added that there are vastly different use patterns for the property's past uses versus the proposed bank with drive-thru. He asked Mr. Dionisi how such non-equivalent uses should be addressed, specifically given the anticipated changes with traffic volume for bank customers and from the drive-thru.

Mr. Dionisi agreed that the previous uses were different however he noted that the Real Estate office had 25 brokers generating traffic and in comparison the bank would have only 7 or 8 employees lessening the volume of traffic.

Mr. Gossels said that he would be comfortable with the use as a bank given that he does not feel the site is residential in nature. His concern, however, was about the density of the development.

Mr. Klofft said that he feels the drive-thru changes the use. He explained his concern about traffic backing up onto Raymond Road. From his perspective, site design has a direct correlation with determination of use. Regarding the use variance, Mr. Klofft said that he was comfortable with the property being used commercially rather than residentially. He said, however, that the type of use should be in-keeping with the residential neighborhood behind it.

At this point it was the general sense of the Board was that the property should be used commercially.

Mr. Dionisi said that the applicant had meetings with the neighborhood over many months and from those discussions the initially proposed building has been reduced in size from 3,900 square feet to 2,900 square feet. He noted that the building is not a historic structure. And he argued that moving the bank from its current location down Boston Post Road will free up traffic at Sudbury Crossing.

Mr. Dionisi said that during discussions and a pre-application meeting with the Building Inspector, Planning Director, Board of Health, Fire Chief and Police Chief it was agreed that the bank should be located closer to Route 20 rather than in the middle of the site.

Ms. Quirk noted for the record that the Board was in receipt of a memo from the Director of Planning and Community Development Jody Kablack recommending that other town boards have an opportunity to review this significant proposal and offer more formal feedback prior to the ZBA's decision on the use variance. Therefore Ms. Quirk suggested that the hearing be continued in order to allow input from the other boards.

Mr. Dionisi then proceeded to go through various additional bylaw criteria of the variance that must be satisfied to obtain a variance. In regard to Section 6143, nuisance characteristics, and Section 6144, having a structure compatible to the site and its vicinity, he said that there has perhaps been more impact to the area by the other businesses and plazas surrounding this property due to commercial refuse and Police Department operations and because of these impacts the property should not revert back to a residential use. In regard to Sections 6145, 6146 and 6147, which address the proposed building itself and its operations, he reiterated that the plan was for a 2,900 square foot building, with two to eight employees and staggered branch hours. He said the hours would be significant, open also on Saturdays, but said that there is not a lot of customer traffic at branch banks. He anticipated that the while the ATM would be available twenty-four hours per day it would only have about one or two vehicles using it at a time. He also referenced the hours and activity at the Police Station for comparison.

Mr. Gossels questioned why there were so many parking spaces. Mr. Dionisi said that there may be more parking spaces shown on the plans than would be needed and reminded the Board that the proposal has not yet had a site plan review.

Regarding renewal of the variance the applicant understands that there will be as a standard condition a time period for renewal imposed.

Mr. Dionisi then ran through the criteria for Section 6220. Specifically Mr. Dionisi addressed that the use would be in harmony with the intent of the bylaw. He said that the new facilities would adhere to green building techniques and would be energy efficient. He said it will not be detrimental to neighbors because he believes that the applicant has addressed neighbors' concerns regarding lighting and landscaping. He said that while no traffic studies have been done there are good sight lines. As discussed previously the applicant has proposed no egress onto Raymond Road, but only access. There would be access and egress from Boston Post Road.

Mr. Klofft suggested that perhaps a traffic light could be installed at Raymond Road. There was no determination on the possibility of a light.

Mr. Dionisi reiterated that the bank would promote public good from the added revenue to the Town. He said he was hopeful that Board would take into consideration the abutters' opinions.

Josh Swerling, from Bohler Engineering, then answered questions about the technical aspects of the site layout.

Mr. Swerling said that a separate drive for the ATM would avoid conflicts with customers, pedestrians and with parking. He said that the siting of the kiosk beyond the rear yard setback accommodates the septic system. The main reason for moving the building toward Boston Post Road was to handle pedestrian traffic.

Ms. Quirk questioned why the drive-thru is a stand-alone structure rather than attached. Klofft suggested that perhaps it keeps traffic away from the building and the customers walking around the bank. Ms. Quirk noted that idling car engines would then be running closer to the abutting neighbor. Mr. Swerling said that the reason TD Bank prefers the stand-alone ATM kiosk is to keep traffic flowing and separate from the parking areas, thus avoiding potential conflicts with other bank users.

Ms. Quirk asked whether there were any neighbors present who wished to speak.

Alfonso Canella, 245 Raymond Road, said that initially he was concerned about an egress on Raymond Road, particularly because of the increased traffic caused by Feeley Field and Loring Elementary School. However, he said that the applicant has addressed his concerns by agreeing to have access-only from Raymond Road. He said that the applicant has shown an improved lighting plan and landscaping plan and have altered the roof design to include a sloped roof. He said that the applicants have been very solicitous of the neighbors.

Mr. Klofft asked whether the proposed design would have clapboards. Mr. Swerling thought that it would. When Mr. Klofft asked about the building's height Mr. Swerling said that it would be around 23.5 feet.

Mr. Stevenson asked how essential it was to have the drive-thru. He said that if the drive-thru were eliminated there would be a greater buffer zone between the bank and the abutter. Mr. Swirling said that the drive-thru is a key component of all TD Bank buildings located in the suburbs, many of which have

several drive-thrus. He explained that they have them for customer convenience, particularly because many customers have children accompanying them in the back seats of their cars. Drive-thrus offer faster customer service. He then explained the traffic pattern for the drive-thru.

Mr. Klofft asked what, aside from signage, would stop people from using the egress on Raymond Road.

Ms. Quirk then asked whether the bank building itself needed to be 2,900 square feet if the customers tended to use the drive-thru and online banking. Mr. Swirling said that its size was necessary because of the bank's particular mission toward customer service.

Bettina Westerberg, resident at 239 Raymond Road and abutter to the Sudbury Crossing plaza, said that the applicant has been very good to the neighbors as far as working with them toward a plan. She said that the applicants promised a clapboard structure, mature trees around the building, and low lighting. She has been pleased with the way the applicant has worked with the neighborhood.

Briana Thuijs, 225 Raymond Road, said that she and her husband like the plan of the building and landscaping and said that they felt it had a neighborhood feel. She said that the applicants had been working very well with the neighborhood and they were extremely happy with the outcome.

Marjorie Drew, 246 Raymond Road, also spoke in support of the plan and the applicants.

Ms. Quirk then read a letter of support submitted by Brianne and Michael Caso, 250 Raymond Road, saying that in purchasing their home they understood that the property at 407 Boston Post Road would be used for commercial use. They said they felt that a bank branch would serve the site well and have minimal impact on the surrounding residential area. They also noted that in engaging in discussions with the applicant they felt that concessions had been made so as to allow the proposed bank branch to be constructed with minimal impact on their property. They mentioned that the applicant agreed to prevent egress onto Raymond Road and reduced the overall size of the building by 1,000 square feet from what was originally proposed. They also said that a planting plan was being produced to meet their satisfaction.

All of the ZBA members expressed that they were impressed with the neighbors' positive reactions toward the applicant.

Mr. Klofft asked Mr. Dionisi about his thoughts on the special conditions with regard to the Dimensional Variance. Mr. Dionisi said that the Town's desire and need for a village atmosphere at Boston Post Road creates the hardship due to the required setback.

Since the Board wanted to have input from other Town Boards prior to rendering a decision, Mr. Dionisi formally requested that the hearing be continued to March 7, 2011, the next meeting of the Board.

There were no further comments from the Board or audience. The hearing was continued to March 7, 2011.

Elizabeth T. Quirk, Chair

Jeffrey P. Klofft

Benjamin D. Stevenson, Clerk

Jonathan F.X. O'Brien, Associate

Jonathan G. Gossels